THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 8137 OF 1999

DATED: 12-07-2006

BETWEEN:

A. Venkataiah,
S/o. A. Venkata Subbaiah

… Petitioner

And

The Joint Sub-Registrar, Cuddapah
And another

…Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 8137 of 1999

ORDER:

Petitioner filed this writ petition seeking a writ of Mandamus directing the respondents herein to register the document bearing No. P234/1998 dated 23-10-1998 and release the same in favour of the petitioner without insisting the clearance certificate from the A.P. Wakf Board.

Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents and perused the material on record.

It is stated that the vendor of the petitioner has got right to sell the land admeasuring 303-71 square yards situated in Adangal No.301/3.2 at Cuddapah, but the sale deed presented by the petitioner's vendor was kept pending before the first respondent by document No.P234/98 and ultimately the first respondent-Joint Sub Registrar, Cuddapah informed by letter dated 23-03-1999 that the sale deed cannot be registered without producing the clearance certificate

from the A.P.State Wakf Board.

A counter has been filed stating that the Inspector General of Registration and Stamps, A.P., Hyderabad vide his memo No.G1/13572/1987 dated 12-06-1987 instructed not to register the said sale deed till the Secretary, A.P. State Wakf Board issue the clearance certificate. He stated that the land in question is notified as Wakf property as per the letter dated 28-02-1996 addressed by the Secretary of A.P. Wakf Board to the Sub Registrar stating that as per the map of the Darga Hazrath Akfarullah Shah, the land bearing S.No.301 admeasuring Ac.4.00 cents under T.D. No.3224 of Nagarajupalli village, Cuddapah Mandal is Wakf property.

In view of the aforesaid facts and circumstances, I am of the opinion that unless the petitioner approach the Wakf Board and get clearance certificate from the Board, the petitioner is not entitled for any relief sought for in this writ petition.

For the aforesaid reasons, writ petition is dismissed. No costs.

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V. ESWARAIAH, J.

Dated: 12-07-2006
RNS